

AO 121

To: Mail Stop 8 Director of Patents and Trademarks PO BOX 1450 Alexandria VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116, you are hereby advised that a court action has been filed in the U.S. District Court for the District of Utah on the following



Patents



Trademarks:

DOCKET NO. 2:08cv00715-BCW	DATE FILED 09/19/08	U.S. DISTRICT COURT Central District of Utah 350 South Main Street, Room 150, Salt Lake City, UT 84101
PLAINTIFF Fable Jewelry Company		DEFENDANT Trent West
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 See complaint		
2 6,062,045		
3 6,553,667		
4 6,990,736		
5 6,928,734		

In the above-entitled case, the following patents(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK
1 6,993,842	
2 7,022,314	
3 7,076,972	
4	
5	

In the above-entitled case, a final decision had been rendered or judgment issued:

DECISION / JUDGMENT		
CLERK	(BY) DEPUTY CLERK	DATE

DISTRIBUTION :

1) Upon initiation of action
 mail copy to Commissioner &
 lodge a copy in the file

2) Upon filing of document adding copyright(s),
 mail copy to Commissioner &
 lodge a copy in the file

3) Upon termination of action,
 mail copy to Registrar of Copyrights &
 lodge a copy in the file.

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

FABLE JEWELRY COMPANY, INC., a Utah
entity

Plaintiff,

vs.

TRENT WEST, an individual,

Defendant.

Case No. 2:08-cv-715

Magistrate Judge Brooke C. Wells

**COMPLAINT
and
JURY DEMAND**

Plaintiff Fable Jewelry Company, Inc. ("Fable" or "Plaintiff"), by and through their counsel, Kirton and McConkie, allege against Trent West ("West" or "Defendant") as follows:

INTRODUCTION

Trent West and his agents and associates are making claims of patent infringement and/or making threats of lawsuits against jewelry companies selling tungsten rings in the U.S. market. Defendant West and his associates make representations in the U.S. market that his patents cover all tungsten carbide rings in the market. On information and belief, these statements are not correct. Fable Jewelry Company, Inc. seeks declaratory judgment from the Court that Fable does not violate patent rights of West.

JURISDICTION, VENUE

1. This action arises under the patent laws of the United States. 35 U.S.C. § 1 et seq. Jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331, 1338, 2201 and 2202. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400.

PARTIES

2. Plaintiff Fable Jewelry Company, Inc. is a Utah corporation doing business in West Jordan, Utah. Plaintiff is in the business of designing, developing, producing, manufacturing, marketing, selling and distributing jewelry. Plaintiff's business is in interstate commerce in the United States, including in the State of Utah and this judicial district.

3. Upon information and belief, Defendant Trent West, is an individual residing at 41 Hangar Way, Watsonville, CA 95076, and is doing business in this judicial district and/or providing goods and services in this judicial district.

GENERAL ALLEGATIONS

4. Defendant West claims to own United States Patent Nos. 6,062,045; 6,553,667; 6,990,736; 6,928,734; 6,993,842; 7,032,314 and 7,076,972 for methods of making rings and for rings ("West Patents").

5. Frederick Goldman, Inc. ("Goldman") is purportedly the only licensee of the West Patents and has rights or obligations by contract to enforce or assist in enforcement of the West Patents.

6. West and Goldman are threatening all sellers of tungsten rings in the market with lawsuits for infringement.

7. West and Goldman are threatening to drive other sellers of tungsten rings out of business.

8. Plaintiff sells tungsten rings in the market.
9. Retailers of tungsten rings in the market are cancelling orders after learning of Defendant's threats.
10. Plaintiff's customers are cancelling orders after learning of Defendant's threats.
11. The West Patents are directed to particular methods and apparatuses.
12. It is possible to make tungsten rings different from those described and claimed in the West Patents. Therefore, the West Patents do not cover all tungsten rings.
13. Plaintiff is being harmed by Defendant's actions.

FIRST CLAIM FOR RELIEF

(Declaratory Judgment of Noninfringement -- 28 U.S.C. §§2201, et seq.)

14. Plaintiffs incorporate by reference paragraphs 1-13 of this Complaint as though set forth here in full.
15. There is a substantial and continuing justiciable controversy between Plaintiff and Defendant as to the scope and infringement of the West Patents; namely, whether any of Plaintiff's products actually infringe any valid or enforceable claim of the West Patents.
16. Pursuant to 35 U.S.C. 282, 28 U.S.C. §§ 2201 and 2202, Plaintiff is entitled to a declaration that Plaintiff does not infringe any claims of the West Patents.

PRA YER FOR RELIEF

Wherefore, Plaintiff prays for relief against Defendant as follows:

- a. Declaratory Judgment that Plaintiff's rings do not infringe any rights of the West Patents.

- b. An injunction against Defendant's improper representations of infringement in the marketplace about Plaintiff or about Plaintiff's products.
- c. For Plaintiff's reasonable attorney's fees and costs of suit incurred in his action.
- d. For such further relief as the Court may deem proper.

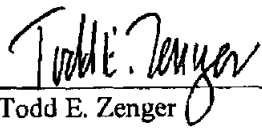
REQUEST FOR TRIAL AND JURY DEMAND

Plaintiff hereby requests a trial by jury on all claims.

Dated this 19th day of September, 2008.

KIRTON & McCONKIE

By: _____


Todd E. Zenger

Attorneys for Plaintiff
FABLE JEWELRY COMPANY, INC.

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